

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
JUDITH THIBEAU)	
and GEORGE THIBEAU,)	
)	
Plaintiffs,)	C.A. No. 1:04-cv-10643-LTS
)	
v.)	
)	
UNITED STATES OF AMERICA and EAST)	
BOSTON NEIGHBORHOOD HEALTH CENTER)	
CORPORATION,)	
)	
Defendants.)	
_____)	

**THE UNITED STATES' MOTION TO STRIKE
PORTIONS OF EXPERT'S TRIAL TESTIMONY**

The United States of America, pursuant to, *inter alia*, Local Rule 26.4, moves this Court for an order striking those portions of Dr. Arthur Epstein's ("Epstein") testimony that (1) fall outside the scope of his expert's report, (2) stray from the field of optometry, and (3) result in unfair prejudice.

WHEREFORE, for the reasons that are more fully set forth in the United States' Memorandum of Law, the United States respectfully request the Court for order striking portions of Epstein's trial testimony.

Respectfully Submitted,

United States of America
By it's Attorney,

Michael J. Sullivan
United States Attorney

/s/Christopher Alberto
CHRISTOPHER ALBERTO
Assistant United States Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210

LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel certifies that he has conferred with counsel for the plaintiff with regard to the issue raised by this motion.

/s/Christopher Alberto
CHRISTOPHER ALBERTO
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, Christopher Alberto, Assistant U.S. Attorney, hereby certify that the foregoing Motion for Order Quashing Subpoena, as well as the Memorandum of Law in Support of the Motion for Order Quashing Subpoena, were filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Christopher Alberto
CHRISTOPHER ALBERTO
Assistant U.S. Attorney

Dated: July 21, 2006